Notice of Allowability	Application No.	Applicant(s)	
	10/081,563	HERRINGTON ET AL.	
	Examiner	Art Unit	
	Bradley L. Sisson	1634	
The MAILING DATE of this communication a All claims being allowable, PROSECUTION ON THE MERITS herewith (or previously mailed), a Notice of Allowance (PTOL- NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATEN of the Office or upon petition by the applicant. See 37 CFR 1.	BIS (OR REMAINS) CLOSED in -85) or other appropriate commu T RIGHTS. This application is s	this application. If not included nication will be mailed in due course. The	HIS tiative
1. This communication is responsive to <u>09 July 2004</u> .			
2. The allowed claim(s) is/are 1,2 and 23-26.			
3. \boxtimes The drawings filed on <u>22 February 2002</u> are accepted by	by the Examiner.		
4. ☐ Acknowledgment is made of a claim for foreign priority a) ☐ All b) ☐ Some* c) ☐ None of the: 1. ☐ Certified copies of the priority documents h 2. ☐ Certified copies of the priority documents h 3. ☐ Copies of the certified copies of the priority International Bureau (PCT Rule 17.2(a)). * Certified copies not received: Applicant has THREE MONTHS FROM THE "MAILING DAT noted below. Failure to timely comply will result in ABANDO THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.	nave been received. nave been received in Application documents have been received TE" of this communication to file	n No in this national stage application from th	
5. A SUBSTITUTE OATH OR DECLARATION must be su INFORMAL PATENT APPLICATION (PTO-152) which	ibmitted. Note the attached EXA gives reason(s) why the oath or	MINER'S AMENDMENT or NOTICE OF declaration is deficient.	
 CORRECTED DRAWINGS (as "replacement sheets") r (a) including changes required by the Notice of Draftsp 1) hereto or 2) to Paper No./Mail Date (b) including changes required by the attached Examin Paper No./Mail Date Identifying indicia such as the application number (see 37 CF each sheet. Replacement sheet(s) should be labeled as such DEPOSIT OF and/or INFORMATION about the de attached Examiner's comment regarding REQUIREMENT 	person's Patent Drawing Review ner's Amendment / Comment or R 1.84(c)) should be written on the in the header according to 37 CFR	n the Office action of e drawings in the front (not the back) of t 1.121(d). RIAL must be submitted. Note the	
Attachment(s) 1. ☐ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-94) 3. ☐ Information Disclosure Statements (PTO-1449 or PTO/S Paper No./Mail Date 4. ☐ Examiner's Comment Regarding Requirement for Depos of Biological Material	8) 6. ⊠ Interview Sur Paper No./M B/08), 7. ⊠ Examiner's A	fail Date Interpretation of Reasons for Allowance	

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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

- 2. Authorization for this examiner's amendment was given in a telephone interview with Jarrett K. Abramson, Reg. No. 47,376, on 26 July 2004.
- 3. The application has been amended as follows:
- 4. Please cancel claims 3-22.
- 5. Substitute claim 1 with the following:

Claim 1. (Currently Amended) A method of screening a human female for increased likelihood of having a favorable response to estrogen replacement therapy with respect to cardiovascular health due to increased HDL levels, comprising:

detecting the presence of at least one estrogen receptor alpha polymorphism in said subject, wherein said at least one estrogen receptor alpha polymorphism is selected from the group consisting of the IVS1-354 polymorphism, the IVS1-401 polymorphism, the IVS1-1415 polymorphism, and the IVS1-1505 polymorphism, the presence of said [rare form of said estrogen receptor alpha polymorphism] IVS1-354 polymorphism, IVS1-401 polymorphism, IVS1-1415 polymorphism, or IVS1-1505 polymorphism indicating that said subject is more likely to have a favorable response to estrogen replacement therapy with respect to cardiovascular health than a subject with other known estrogen receptor alpha polymorphisms[;

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said at least one estrogen receptor alpha polymorphism selected from the group consisting of the IVS1-354 polymorphism, the IVS1-401 polymorphism, the IVS1-1415 polymorphism, and the IVS1-1505 polymorphism].

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley L. Sisson whose telephone number is (571) 272-0751.

The examiner can normally be reached on 6:30 a.m. to 5 p.m., Monday through Thursday.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Gary Benzion can be reached on (571) 272-0782. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

8. Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bradley L. Sisson

B. L. Suison

Primary Examiner

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